

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ROBERT J. GERNDT and
JOHN J. SAYOVITZ

Application No. 09/240,524

MAILED

MAR 11 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 29, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

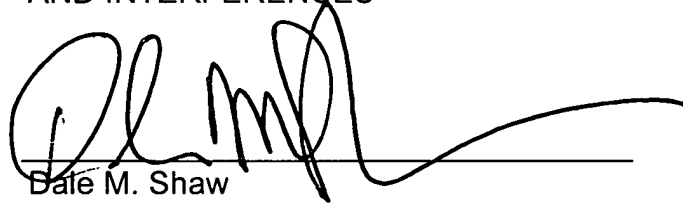
There is no indication that the Appeal Brief fee has been received and/or applied. Additionally, we are able to locate only one copy of the Appeal Brief instead of the required three copies. 37 CFR § 1.192.

Accordingly, it is

ORDERED that the application is returned to the Examiner for resolution of the above matters, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

Application No. 09/240,524

Pauley, Petersen, Kinne & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, IL 60195

dem
RA03-0199